

### Remarks

The above Amendments and these Remarks are in reply to the outstanding Office Action. Claims 1-3, 5-8, 10-30 and 32-33 are presented herewith for consideration. Claim 30 has been amended to correct a typographical error.

Claims 1-3, 5-8, 10-24 are allowed.

Claim 30 is objected to because of certain informalities. Applicant has amended claim 30 to correct the informality. It is therefore respectfully requested that the objection to claim 30 be withdrawn.

Claim 32 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 25, 28-30 and 33 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,041,090 (*Chen*) in view of U.S. Publication No. 20020030522 (*Nakamura*).

Claims 26 and 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Chen* in view of *Nakamura* and further in view of U.S. Publication No. 20020105386 (*Shastri*).

#### I. Rejection of Claims 25, 28-30 and 33 under 35 U.S.C. §103(a)

Claims 25, 28-30 and 33 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Chen* in view of *Nakamura*.

Independent claim 25 calls for:

A circuit comprising:

a sampler configured to output a plurality of digital data signals in response to a clock signal;

a phase detector to output a plurality of up signals and a plurality of down signals in response to the plurality of digital data signals;

a clock circuit configured to generate the clock signal in response a phase adjust signal; and

wherein the clock circuit comprises,

an averaging circuit capable to output the phase adjust signal in response to an average up signal, obtained from the plurality of up signals in a predetermined period of time, and an average down signal, obtained from the plurality of down signals in the predetermined period of time.

In rejecting claims 25 and 33, the Office Action stated at page 4 that *Chen* discloses:

a clock circuit (Fig. 8, charge pumps 36, 96 and 106, loop filter 38 and clock generator 22 are together interpreted as claimed clock circuit)...*Chen* shows all the limitations claimed, but fails to explicitly show whether the clock circuit whether [sic] the phase adjustment signal may be output by an averaging

circuit...However...Nakamura shows a clock generator...[I]t would have been obvious to a person of ordinary skill in the art to use the averaging circuit shown by Nakamura in the Chen's circuit because Nakamura's averaging circuit serves as a filter for blocking high-frequency components...and hence prevents jitter characteristics from being lowered to generate high-quality clocks...

The Applicant's attorney respectfully disagrees that it would have been obvious to a person of ordinary skill in the art to combine the "averaging circuit" in *Nakamura* with *Chen*. The Office Action admits that *Chen* already discloses a "clock circuit [that includes a] loop filter 38..." *Chen* states at Col. 4, lines 18-19: "loop filter 38 is preferably a low-pass filter." Thus, *Chen* already discloses "a filter for blocking high-frequency components." Therefore, one of ordinary skill in the art would not have been motivated to combine the disclosure of *Nakamura* with *Chen* as stated in the Office Action because *Chen* already discloses "a filter for blocking high-frequency components." For at least this reason, applicant submits that the Office Action fails to establish a prima facie case of obviousness and therefore that claim 25 is patentable over the cited references.

Claim 28 depends from claim 25 and therefore is patentable for at least the reasons stated above in regard to claim 25.

Independent claims 29, 30 and 33 have been rejected similar to claim 25 and therefore are patentable for at least the reasons stated above in regard to claim 25.

It is therefore respectfully requested that the rejection of claims 25, 28-30 and 33 under 35 U.S.C. §103(a) be withdrawn.

## II. Rejection of Claims 26 and 27 under 35 U.S.C. §103(a)

Claims 26 and 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Chen* in view of *Nakamura* and further in view of *Shastri*.

Claims 26 and 27 depend from claim 25 and therefore are patentable for at least the reasons stated above in regard to claim 25.

It is therefore respectfully requested that the rejection of claims 26 and 27 under 35 U.S.C. §103(a) be withdrawn.

## III. Conclusion

Based on the above amendments and these remarks, reconsideration of claims 1-3, 5-8, 10-30 and 32-33 is respectfully requested.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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